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09/914,299

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Richard C. Walker

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EXAMINER

LANIER, BENJAMIN E

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,299

Applicant(s)

WALKER, RICHARD C.

Examiner

Benjamin E. Lanier

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

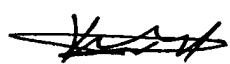
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 26 March 2006 amends claims 1, 10, 17, 22, and 26.

Applicant's amendment has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments filed 26 March 2006 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the use of a plurality of communication frequencies) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3. Applicant's argument that the Joao reference does not disclose the claimed limitation of a plurality of interface protocols because it appears to only have one wireless connection is not persuasive because Joao discloses an encrypted and an unencrypted wireless communication method. This would meet the limitation of a plurality of interface protocols because Joao teaches an encrypted wireless protocol and an unencrypted wireless protocol.

4. Applicant has remarked that claims 1-29 are currently pending, however, the claim listing includes claims 1-36. If claims 30-36 have been cancelled, Applicant is required to make this cancellation on the record. For the purposes of this Office Action, claims 1-36 have been examined.

Claim Objections

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5. Claim 28 is objected to because of the following informalities: Line 6 of claim 28 recites, “the device and/and the equipment”, which is redundant. The claim should recite either “and” or “and/or”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13, 15-19, 21-32, 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao, U.S. Patent No. 5,917,405. Referring to claims 1, 27, 34, 36, Joao discloses a control apparatus for vehicles wherein a transmitter that is remote from the vehicle, transmits signals over a communication system to a vehicle apparatus (Col. 3, lines 12-17, 29-31). The apparatus comprises a CPU that is electronically connected to the receiver that receives the transmitted signals (Col. 3, line 66 – Col. 4, line 2), and provides an indication in the form of a signal transmission, back to the transmitter. The CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of at least one sensory device monitoring and reporting on data including command function results of at least one of peripheral devices and equipment with application specific data and optional application specific geographic coordinates corresponding to the

application specific data. The CPU also has a ROM and RAM for storing data which is utilized by the apparatus (Col. 20, lines 65-67), which meets the limitation of at least one processor responsively connectable to at least one memory and implementing a plurality of interface protocols for interfacing and communicating with a plurality of external devices, at least one memory, operatively connected to said at least one sensory device, and located in or on the vehicle or the equipment, storing a plurality of interface protocols for interfacing and communicating, at least one of an application specific backup device and a redundant memory function recording application specific automated and remote control command strings to the peripheral devices that perform automated and remote control functions with respect to said at least one memory, controlling of all on board equipment OEM electronics or carried on electronic device interface with the vehicle or host equipment, and additional records for location, voice information or data transmitted in the application specific event recorder. The transmitter that is remote from the vehicle can be a cellular telephone (Col. 15, lines 27-28), which meets the limitation of the plurality of external devices supported by the plurality of interface protocols for C.O.T.S. products and accessories, the plurality of external devices interfacing with said at least one processor via at least one of the plurality of interface protocols, including at least one of: wireless phones, at least one of said plurality of external devices including a report back capability to report the data collected by said at least one sensory device to at least one remote location including the application specific data that is stored in the PFN. The communication lines between the vehicle apparatus and the transmitter/cell phone can be secured/encrypted communication lines (Col. 73, lines 31-35), which meets the limitation of at least one two-way communication system including at least one security device or routine to condition the signal

with at least one security protocol including at least one encryption technology to securely interface between at least one of the plurality of external devices and said at least one processor, means for converting and implementing security protocols. The limitations of claim 34 that specify “converting and implementing security protocols, for nation security public safety...” represents an intended use limitation, and weight has only been given to the actual conversion and implementation of security protocols.

Referring to claim 2, Joao discloses a control apparatus for vehicles wherein a transmitter that is remote from the vehicle, transmits signals over a communication system to a vehicle apparatus (Col. 3, lines 12-17, 29-31). The apparatus comprises a CPU that is electronically connected to the receiver that receives the transmitted signals (Col. 3, line 66 – Col. 4, line 2), and provides an indication in the form of a signal transmission, back to the transmitter, which meets the limitation of at least one communication device reporting or transferring data to at least one remote monitoring and control system with transmission of the data being optionally two-way transmission for memory storage recording or remote control commands, the recording signal from at least one of operation sensor, audio data records and visual data records. The CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of at least one operation sensor recording the operations of the at least one of the vehicle and equipment as a recording signal, a processor responsively connectable to said memory, receiving the recording signal. The CPU also has a ROM and RAM for storing data which is utilized by the apparatus (Col. 20, lines

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65-67), which meets the limitation of a memory storing the operations of the vehicle or the equipment received from said operation sensor in a secure manner. The transmitter that is remote from the vehicle can be a cellular telephone (Col. 15, lines 27-28), which meets the limitation of at least one communication device is a wireless telephone responsively connectable via the at least one processor and computer stored in a secure manner and capable of transmitting data to download to the at least one remote monitoring system. The communication lines between the vehicle apparatus and the transmitter/cell phone can be secured/encrypted communication lines (Col. 73, lines 31-35), which meets the limitation of at least one processor and computer responsively connectable to at least one memory and at least one auxiliary communication device in a secure manner that can be processed to any other communication device responsibly connectable to the processor or computer to download the data to the at least one remote monitoring system.

Referring to claims 3, 4, 26, 31, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of said plurality of external devices includes at least one of an electrical actuating accessory and at least one peripheral device controlling automated remote control functions utilizing electricity, said plurality of external devices includes pumps, at least one of modular and programmable routines are determined by the existing hardware and operating system firmware or software for any application responsively connectable through any communication medium by querying each component device attached through a PFN/TRAC

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system and/or piece of equipment to determine if said connectable component is legitimate and cleared for safe public use.

Referring to claim 5, Joao discloses that the apparatus also contains a back-up system (Col. 36, lines 13-18), which meets the limitation of at least one of said plurality of external devices include a backup system to provide back up to any automated, remote control system.

Referring to claims 6, 7, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60). The vehicle equipment systems that are connected to the CPU via a respective interface can be a siren or alarm, a horn, a light system, a locking mechanism, hood locking system, video recording device, audio recording device, surveillance system, intercom system and/or one or more of the widely known vehicle anti-theft systems (Col. 4, lines 41-61), which meets the limitation of at least one of said plurality of external devices includes at least one of a coyote circuit and other circuit used to create a plug and play connector as a universal modality to interface with at least one of electrical parts, components, devices, C.O.T.S personal products or different manufactures products, at least one of said plurality of external devices includes at least one application used in conjunction with a security system.

Referring to claims 8, 10, Joao discloses that the vehicle contains a global positioning system that transmits its geographic position to the authorized user at the receiver device. If the GPS system indicates that the vehicle has been stolen, then the authorized user is able to disable the vehicle by sending a signal to the vehicle (Col. 5, line 19 – Col. 6, line 57), which meets the

limitation of at least one of said plurality of external devices includes the function of operating at a specific location and not being transferable to another location without authorization, and when transferred in an unauthorized manner, the at least one of said plurality of devices transmits an identification signal to report the location of the displaced equipment, primary focal node supports at least one of application specific software protocols and hardware systems for industry standards for recorded data as determined by at least one of codes, specifications, rules regulations, and laws, for at least one of vehicles, equipment or machinery use.

Referring to claim 9, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of at least one of said plurality of external devices are supported by a universal interface for separate C.O.T.S products and accessories, the at least one of the plurality of external devices interfacing with said at least one processor via the at least one of the plurality of interface protocols, providing the capability of the at least one of the external devices to be at least one remotely controlled and remotely operated.

Referring to claim 11, Joao discloses that the global positioning system uses a remote database to store data (Figure 3), which meets the limitation of said real-time vehicle or equipment management system includes redundant remote storage in at least one remote location in at least one application specific industry standard protocol as determined by at least one of codes, specifications, rules, regulations, data handling procedures and laws for at least one of equipment, machinery and vehicle use.

Referring to claims 12, 16, 25, 32, Joao discloses that the system is Web accessible (Figure 5b), which meets the limitation of said real-time vehicle or equipment management system is at least one of global network, web and Internet accessible to monitor remote control function in real time and to mass store data off-board as transmitted by the PFN and/or other machine messaging systems and to access the web for personal use from the PFN for remote tracking either personally, as commercial service and/or legal and/or governmental reasons, presenting the machine message data on at least one web page that originated from at least one equipment on said real-time vehicle or from a machine messaging network.

Referring to claim 13, Joao discloses that the user's of the system are authorized before they can operate the system (Col. 3, lines 13-21), which meets the limitation of said real-time vehicle recording system is substantially stored in a stop and control box to prevent unauthorized access thereto and the vehicle.

Referring to claim 15, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of monitoring equipment for health and safety conditions potentially adversely affecting the public including vehicle unsafety. The vehicle contains a global positioning system that transmits its geographic position to the authorized user at the receiver device. If the GPS system indicates that the vehicle has been stolen, then the authorized user is able to disable the vehicle by sending a signal to the vehicle (Col. 5, line 19 – Col. 6, line

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57), which meets the limitation of at least one of networking and communicating with at least one of other computers and computer networks that manage data, including vehicle location.

Referring to claim 17, Joao discloses that the video recording system for the vehicle contains a camera that is mounted on the exterior of the car in order to transmit live or real time video transmissions of the vehicle's exterior environment (i.e. traffic)(Col. 23, lines 17-29), which meets the limitation of recording at least one of audio and video traffic vehicle impact, and recording and reporting to at least one remote monitoring system for at least one accident investigation and machine accidents in a data secure manner, recording at least one of audio and video captured news events as witnessed by a machine system including at least one of weather conditions, and traffic conditions. This information can be used for insurance claim purposes (Col. 45, lines 50-59), which meets the limitation of recording information used in insurance investigations to decide claims and assign liability, determining liability and accountability to be used in legal proceedings and optionally to be used in determining safety parameters, rules, regulations and laws, recording at least one of audio and video captured criminal incidents by activating unattended vehicle systems to report criminal events through remote control.

Referring to claim 18, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of at least one operations sensor recording information including at least one of operations of the vehicle and wherein the information of the vehicle are

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received from said operation sensor and stored in said memory and downloaded to at least one of a remote monitoring system, and a remote data analysis system.

Referring to claim 19, Joao discloses that the system is programmed to send an email messages to the authorized user of the vehicle (Col. 44, lines 36-43), which meets the limitation of storage of the informaiton includes storage with two onboard and at least one offboard storage of the hose piece of equipment, the offboard storage optionally including application specific Email.

Referring to claims 21, 22 to the extent understood, Joao discloses that the control of the vehicle is performed using the vehicle identification information (Col. 9, lines 37-42), which meets the limitation of an electronic serial number. The communication lines between the vehicle apparatus and the transmitter/cell phone can be secured/encrypted communication lines (Col. 73, lines 31-35), which meets the limitation of securely and accurately tracking, inventoried or controlled, through a local control loop or remotely, by an authorized application or agency, an electronic serial number includes the basis for digital encryption of information passed between the PFN device and the controlling entity with local network processing nodes through public communications channels such as phone lines or Internet initiated in many cases wirelessly from mobile PFNs accompanied by their Mobile Identification Number.

Referring to claim 23, Joao discloses that the CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which thee CPU receives status signals (Col. 4, line 31 – Col. 5, line 60), which meets the limitation of programmable software performs automated and

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remote control and/or robotics functions as a result of programming that can authorize, authenticate and preserves commands and save feedback data as a TRAC software program and proprietary to this technology and its nature and scope.

Referring to claim 24, Joao discloses that the CPU also has a ROM and RAM for storing data which is utilized by the apparatus (Col. 20, lines 65-67) and the vehicle includes a locking system to prevent unauthorized access and tampering of the apparatus (Col. 22, lines 50-58), which meets the limitation of at least one non-volatile memory storage and controlled events are in secured environments so that it is highly tamper resistant through physical means and equally protected through electrical means and tamper resistant software programming to become an agreed upon standard for accountable reliable and trusted software commands and record keeping for passive and aggressive remote control and robotics to analyze, judge, evaluate, value, appraise and monitor, manage and control at least one of vehicle use, machine use, equipment use, facility or installation functions, perform financial transactions in real time and in stationary and mobile settings.

Referring to claim 30, Joao discloses that the vehicle contains a global positioning system that transmits its geographic position to the authorized user at the receiver device. If the GPS system indicates that the vehicle has been stolen, then the authorized user is able to disable the vehicle by sending a signal to the vehicle (Col. 5, line 19 – Col. 6, line 57). Control of the vehicle is performed using the vehicle identification information (Col. 9, lines 37-42), which meets the limitation of record keeping requires at least one of terminal and device electrical serial numbers and personal identification numbers as part of its authorization and authentication program with the time date and any geographic location coordinates or address of all the

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equipment and systems participating or performing entries or accessing any application folder or event file in storage at any location or part of the registry.

Referring to claim 35, Joao discloses that the system contains tracking means to track intruders to the system (Col. 22, lines 50-65), which meets the limitation of means for writing one-time memory storage locally as a secure accountable function to track and identify the source of any tampering or hacking to the PFN/TRAC system.

Referring to claims 21, 23, 25-29, 31, the MPEP (Section 2106) states:

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

These claims do not contain examinable subject matter that has been properly construed by the claim language, and are therefore meet by the claims from which they depend.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, U.S. Patent No. 5,917,405, in view of Price, U.S. Patent No. 6,052,068. Referring to claims 14, 20, Joao discloses a control apparatus for vehicles wherein a transmitter that is remote from the vehicle, transmits signals over a communication system to a vehicle apparatus (Col. 3, lines 12-17, 29-31). The apparatus comprises a CPU that is electronically connected to the receiver that receives the transmitted signals (Col. 3, line 66 – Col. 4, line 2), and provides an indication in the form of a signal transmission, back to the transmitter. The CPU is connected to the ignition system (Figure 1) and receives status information from the ignition system (Col. 4, lines 18-30). Similarly, the CPU is connected to the fuel pump system, vehicle equipment system, and position and location system, from which the CPU receives status signals (Col. 4, line 31 – Col. 5, line 60). Joao does not disclose a payment mechanism in or on the vehicle. Price discloses a vehicle identification system wherein vehicle identification tags that are mounted within the vehicle communicate with remote interrogator devices (Col. 3, lines 18-25). These interrogators can be used with the vehicle identification tags in different communication systems including law enforcement and toll payment (Col. 3, lines 51-67), which meets the limitation of a payment mechanism in or on the vehicle, responsively connectable to said at least one processor, said

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payment mechanism collecting vehicle information and providing real-time billing, debiting or crediting from the vehicle, and retrieving verifying the identity of the card carrier via identification, PFN includes more than one purpose optionally billing for commercial service or for specific service of a machine and simultaneously gathering data on any incident or accident event or provide additional controls by off board control and/or management systems in an emergency or in the case of a compromised operator in real-time. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the vehicle identification tags in the control apparatus of Joao in order to assist with the anti-theft system of Joao by providing law enforcement officers with the vehicle identification information when they come within range of the vehicle (Price, Col. 3, lines 30-50), as well as provide a fast and convenient way to pay road tolls as taught in Price (Col. 3, lines 51-67).

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, U.S. Patent No. 5,917,405, in view of Colemere, U.S. Patent No. 5,835,008. Referring to claim 33, Joao discloses a control apparatus for vehicles wherein a transmitter that is remote from the vehicle, transmits signals over a communication system to a vehicle apparatus (Col. 3, lines 12-17, 29-31). The apparatus comprises a CPU that is electronically connected to the receiver that receives the transmitted signals (Col. 3, line 66 – Col. 4, line 2), and provides an indication in the form of a signal transmission, back to the transmitter. Joao does not disclose that the control apparatus can receive educational information. Colemere discloses a driving management control system that is resident inside a vehicle that provides driving education information to the user's of the vehicle (Col. 12, lines 35-64), which meets the limitation of an accountable end user instruction system to deliver E-learning and educational programming. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to transmit instructional driving information to the user of a vehicle in order to assist in the training of new drivers as taught by Colemere (Col. 12, lines 35-64).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



KAMBIZ ZAND
PRIMARY EXAMINER